

REMARKS

Claims 1-2, 4, 6-9 and 11-37 remain in this Request for Continued Examination (RCE) application.

The claims were previously rejected under 35 U.S.C. 103(a) as being unpatentable in view of Murakami *et al.* (U.S. Patent No. 6,253,980). With entry of the foregoing Amendment, Applicants believe they have now emphasized elements of their claims which distinguish the Murakami prior art.

First of all, consider that Applicant's claims now expressly require that the mobile assets be classified into two or more asset types. While this feature is, in and of itself, found in the prior art (Murakami describes at page 16 lines 11-14 that the fleet of vehicles may include four wheel vehicles, two wheel vehicles, and three wheel vehicles), Applicant's claims now furthermore require that the parameter relating to the availability of an asset differ depending upon that type of asset.

As explained by Applicant in their specification at page 9, lines 1-8, the availability of an asset in their invention depends upon the type of asset. As one example, determining the availability of a mobile asset such as a rental car is carried out using sensors that are different from those used in determining the availability of a cargo trailer. For a rental car, availability can be determined from movement and drive preference. However, cargo trailers (which may remain in storage yards for long periods of time, but still be unavailable) require other types of sensors such as door sensors, cargo sensors, trailer connection sensors and the like.

We have thus amended the claims to state that the parameter relating to availability of an asset is taken from a sensor that is of a different type for at least two different types of assets, and such that at least one type of asset uses a sensor that determines a cargo loaded/unloaded status.

We also respectfully submit once again that Murakami does not disclose how to determine a loaded/unloaded status; and certainly not for a cargo trailer as now claimed. What Murakami does describe at column 14 is in the context of a section entitled, "Vehicle Parking and Return". In that section it is described that at some point in the duration of a trip the user will stop the vehicle and place the vehicle in a parking gear. Upon sensing that the transmission is set in a parking state and/or that the ignition or power is turned off, the vehicle subsystem may

transmit a parking state signal. At that point the vehicle user must enter the correct user identification and correct PIN number in order to operate it again.

In the paragraph then cited by the Examiner of Murakami it is described that the vehicle subsystem includes sensors for sensing a parking condition including but not limited to a pressure sensor for sensing the presence of weight on a driver's seat, for sensing the setting of a parking brake, or for sensing the lack of motion for a predetermined period of time.

The Examiner should be able to appreciate that sensing the "parking" status for a vehicle is not the same as sensing loaded/unloaded status of a cargo trailer. Indeed the loaded/unloaded status of a cargo trailer cannot possibly be determined by only sensing weight on the driver's seat. A cargo trailer does not have a driver seat; and if it has a truck connected, the presence or absence of a driver in the seat of the truck does not have anything to do with whether or not cargo is located or unloaded in a trailer portion.

Even if Murakami's weight sensor could be considered to suggest Applicant's cargo sensor, Murakami also does not provide any suggestion that parameters for determining the availability status will depend upon the type of vehicle. Murakami apparently treats his four wheel, two wheel and three wheel vehicles all the same. The Applicant teaches, and the claims now require, at least two different asset types using the different sensors to determine asset availability.


We furthermore believe that Murakami does not disclose a system in which there is an ability to monitor assets from a plurality of mobile asset sources. Murakami only contemplates a single rental company. Item 14 pointed to by the Examiner is simply a rental kiosk, and does not even represent a single "mobile asset rental source". The term "mobile asset sources," within the context of Applicant's disclosure, is clearly defined to mean users or organizations that own or use mobile assets, such that mobile asset rental companies. (See the discussion at page 6, line 15-19 of Applicant's disclosure, where it was described how mobile assets sources include truck rental companies.) There is no suggestion in Murakami of how to coordinate the availability of mobile assets available from different mobile asset sources.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

David J. Phibodeau, Jr.

Registration No. 31,671

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

Nov. 3, 2005